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PETER OPPENEER
CLERK US DIST COURT
WD OF WI

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

PETER DIEHL,

Defendant.

INDICTMENT

Case No. 16 CR 79 WMC

18 U.S.C. §2423(a)
18 U.S.C. §2252(a)(4)(B)

THE GRAND JURY CHARGES:

COUNT 1

On or about August 20, 2015, in the Western District of Wisconsin and elsewhere, the defendant,

PETER DIEHL,

knowingly transported an individual who was under 18 years of age in interstate commerce, and intended that the person engage in sexual activity for which any person can be charged with a criminal offense. Specifically, DIEHL transported "Minor #1," a female under 18 years of age at the time, from Minnesota to Wisconsin, with intent that "Minor #1" engage in any sexual activity for which a person can be charged with a criminal offense, i.e., Sexual Assault of a Child, which is a criminal offense under Wisconsin Code § 948.02.

(In violation of Title 18, United States Code, Section 2423(a)).

COUNT 2

On September 23, 2015, in the Western District of Wisconsin, the defendant,

PETER DIEHL,

knowingly possessed a Motorola cell phone, which contained a 2GB micro SD memory card, containing images that had been produced using materials which had been shipped and transported in interstate and foreign commerce, specifically the Motorola XT894 cell phone, S/N N356SN3T7V, and the 2GG micro SD card, S/N 8914800001957622938, and the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct, and the depictions were of such conduct. Specifically, the SD card contained image files titled "2.jpg," "6.jpg," and "p2.jpg," and the cell phone contained image files of "Minor #1" titled "imgcache.0_embedded_652.jpg," and "imgcache.0_embedded_655.jpg."

(In violation of Title 18, United States Code, Section 2252(a)(4)(B)).

FORFEITURE ALLEGATION

As a result of the offense charged in Count 2 of this indictment, and upon conviction for violating Title 18, United States Code, Section 2252, pursuant to Title 18, United States Code, Section 2253, the defendant,

PETER DIEHL,

shall forfeit to the United States his right, title, and interest in:

(1) Any and all visual depictions which contain images which are or appear to be child pornography, together with the storage media in which they are contained,

including CDs and DVDs, seized from the defendant's residence; and

(2) any and all property used or intended to be used to commit or to promote the commission of the aforementioned offense, including property specifically described as a Motorola XT894 cell phone, S/N N356SN3T7V, and a 2GG micro SD card, S/N 89148000001957622938.

A TRUE BILL

PRESIDING JUROR

JOHN W. VAUDREUIL
United States Attorney

Indictment returned: 9-14-16